

**UWCHLAN TOWNSHIP BOARD OF SUPERVISORS
MINUTES OF REGULAR MEETING
JULY 10, 2023**

The meeting was called to order at 7:30 p.m. by Chairperson Mayme Baumann.

Mrs. Baumann announced the Board had an executive session Monday, July 10th. This was regarding the police contract and personnel.

Present: Supervisors: Mayme Baumann, Laura Obenski and Bill Miller; Township Manager Scott Greenly; Assistant Township Manager Katie Churchill; Treasurer Susan Bernhard; Building & Zoning Official Tara Giordano; Police Chief Scott Alexander; Fire Marshal Mike Holmes and Township Solicitor Mark Freed (online).

Minutes:

Mrs. Obenski made a motion to approve the minutes of the June 5th, 2023 meeting and Mr. Miller seconded. Mrs. Baumann asked for public comment, there being none, the motion was carried unanimously.

Reports:

Police: Police Chief Scott Alexander reported that for the month of June 2023, Uwchlan Township Police Department officers documented 1,077 entries in the police department call reporting system. For the reporting period, officers issued 118 traffic citations, investigated 31 motor vehicle crashes, and arrested 19 individuals.

For the month of June, the Department members conducted 4 motor carrier details at the weigh station, resulting in 1,101 commercial motor vehicles being weighed, 10 of which were found to be overweight. During the details, the officers also performed 17 motor carrier inspections, requiring 9 vehicles and 4 drivers to be placed out of service. The officers were assisted by the Pennsylvania State Police on 2 of those details.

Sergeant McBride conducted an additional 9 commercial motor vehicle inspections during his normal workdays, resulting in 2 vehicles being placed out of service.

For the Year-to-date, officers have documented 6,858 calls in the call reporting system. There were 82 arrested individuals and issued 797 traffic citations, 210 written warnings. They investigated 165 motor vehicle crashes and weighed 4,194 commercial motor vehicles.

Additionally, for the month of June, there were no Narcan Administrations.

Treasurer: Ms. Bernhard reported that for the month of June, in the general fund, we have collected just under 54% of our budgeted revenues and have spent just under 47% of our budgeted expenditures.

Public Works: Mr. Greenly reported that for the month of June, the daily flow average to the Downingtown Treatment plant was 1.3 million gallons per day. There were no new connections for DARA or Eagleview.

Uwchlan Township received 5.39 inches of rain. Normal for June is 4.2 inches. Normal for Year-to-date is 22.50 inches. Year-to-date total for Uwchlan Township is still minus 7.23 inches for the year.

The Public Works Department:

- Responded to 134 PA-1 Calls for the month of June.
- Continues to mow Township ROW's and clean known problem areas. A total of 3,050 feet of sanitary pipe and 327 feet of storm pipe were televised in the month of June.
- Started and are continuing the 2023 Road Improvement Projects, with contractor DiRocco Brothers, finishing the base repair and milling for the curb reveal and final paving. Final crack sealing occurring now.

The Roads Department:

- Raised a storm manhole on Brittney Terrace and repaired catch-basins on Robert Dean Drive, Pennsylvania Ave, and Victoria Court.
- Repaired a sinkhole on Ashland, a depression on Andover and potholes on S. Village Ave.

The Senior Park's opening has been delayed both due to concrete work and recent vandalism to the newly installed equipment.

The intersection of Route 113 and Route 100 will be closed on Wednesday, July 12th from 9am to 3:30pm. This is to allow the mast arm replacement that was damaged during an accident earlier this year.

Fire Marshal: Mr. Holmes reported during the month of June, the building department issued 87 permits for construction activities, over 142 inspections were conducted, 15 fire code inspections were conducted, 62 Use and Occupancy certificates were issued. The Fire Marshal responded to 20 incidents and 1 burning complaint.

Lionville Fire Company: Mr. Holmes reported during the month of May, the Fire Company responded to 62 incidents. 33 in Uwchlan, 7 in Upper Uwchlan, 7 in West Pikeland, and 15 in other townships. The total Year-to-date incidents is 331.

Uwchlan Ambulance: A Uwchlan Ambulance representative reported during the month of June, there were 129 calls made. The year-to-date calls are 773. Staffing levels are greatly improving and they are now staffing a third station in Upper Uwchlan.

There are still issues with increasing the number of ambulances. Three were ordered but these were canceled and reallocated to the state. Hoping to purchase another three this year.

Uwchlan Ambulance will also be attending Community Day.

Mrs. Obenski made a motion to accept the reports as given and Mr. Miller seconded. Mrs. Baumann asked for public comment. There being none, the motion was carried unanimously.

Mrs. Obenski acknowledged the improving social media presence of the Township and Julia Lyford who has recently joined the Township Staff as Public Information Coordinator.

Business:

1. Permission to Advertise:

- a. Snow Contractors BID – This is to support the Townships winter operations with plowing.

Mrs. Obenski made a motion to grant permission to advertise and Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

- b. Senior Park Landscaping BID- Permission to Advertise – Landscaping was separated from the initial construction of the park to avoid planting in the summer months. A plan for landscaping in the fall instead is in place.

Mr. Miller made a motion to grant permission to advertise and Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

- c. Overlook Pump Station Decommission Act 537 Plan – Permission to Advertise – This pump station currently serves the Eagleview Treatment Plant. The Township is working to redirect the flow to the Dara Treatment Facility, to relieve pressure at the Eagleview Treatment Plant. A detailed presentation will be presented at a later hearing. The plan will go through the Township Planning Commission and the Chester County Planning Commission.

Mrs. Obenski made a motion to grant permission to advertise and Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

2. Eagleview Town Center II – Phase III & IV – Preliminary/Final Land Development Plan Submission

The Hankin Group presented an overview of both phase three and four to the Planning Commission on July 5th. Phase three is a 40,500 square foot office building and Phase four is two buildings consisting of 262-units at the intersection of Eagleview Blvd and Constitution drive.

Plans have now been submitted for these phases. The plans will be reviewed and discussed further at the Planning Commission's August meeting. These are also available to view on the Township website.

3. 179 Dans Lane - Waiver Request Associated with Stormwater Management Infrastructure

Jim Haigney from Commonwealth Engineers stated that the property is shaped irregularly and due to the drainage pattern on the property, they need to have a rain garden and garden infiltration facility.

They are asking for a waiver to place a discharge point at 25 feet from the adjoining property line (instead of the standard 50 feet). This will help keep them in compliance with the Township's stormwater ordinance as well as allow room for sewer connections. A letter from the adjoining neighbor has been provided stating their agreement with the proposed plan. The applicant is the neighbor's nephew.

Township Engineer Dan Daley confirmed he had reviewed the plans. These have been reviewed and changed several times to ensure they are compliant with Township ordinances (barring this one exception). He explained the property is currently taking water from on-site and is having to manage this within their system. The plan would not impact downstream properties and Mr. Daley recommended approval of the waiver.

Mrs. Obenski made a motion to approve the waiver request associated with the stormwater management infrastructure at 179 Dans Lane. Mr. Miller seconded the motion. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

4. Jones Pond Update

Mrs. Obenski gave an overview of the history of Jones Pond and that there was a meeting to discuss options on June 7th, 2023.

The Township has been trying to find a source of water to maintain the pond as it is currently isolated. Originally, when Shamona Creek would rise in storm events, this would overflow into the Pond. However, following Hurricane Ida, this is no longer the case. Attempts to dig out a channel and use piping have been repeatedly blocked with silt and sediment build up, resulting in ongoing maintenance for the Township.

Mrs. Obenski acknowledged discussions with the EAC, Parks and Recreation department,

the historical value of the area, the sentiments of community members and the desire to find sustainable alternatives.

The Township has consulted with the DEP and it is considered a non-regulated dam. The Pond is on a floodplain, has a less than 100-acre drainage area and less than 15-foot storage of elevation for the berm. It has been recommended the Township consider removing the pond and converting the area into a stormwater management feature with a water quality component as well, while not reducing the stormwater capacity of the area. If water remains in the pond without a fresh water feed, the temperature will elevate and cause problems for the fish and algae in the pond.

Mr. Miller clarified that there was no current flow from Shamona Creek to Jones Pond. However, during storm events there are sometimes overflow that reaches the pond.

Mrs. Baumann asked about the ability to increase the stormwater capacity of the area. Mr. Daley stated that it was possible to increase it but any increases would be minimal.

Mr. Miller asked about options to restoring it to a pond. Mr. Daley explained that without a natural feed, an option approved by the DEP would be needed. Whether that be a whether that be natural overland flow to gravity flow into the pond, or some type of pumping system with some type of electric pump.

Mrs. Obenski gave comments about fishing in the area, taking a holistic approach to this and consider the wider sustainability impacts. She acknowledged the EAC and the Parks and Recreation Departments work to incorporate sustainable practices and restoration work. Mrs. Obenski proposed the Township consult with a biologist to incorporate a biology and wildlife perspective in decision making. Mr. Greenly agreed with this proposal.

It was determined the Township would work to produce some concept drawings for public input.

Public comment – Jones Pond:

Art Rothe – Previous Township Engineer for Middletown, Delaware County. Disagreed with Mr. Daley's recommendations. Spoke about the water levels in the pond rising, not falling. He also said the outlet pipe had a leak and was lowered by the Township. He asserted that if the pipe was returned to its original height, water would flow to the Pond. Mr. Rothe also spoke about maintenance funding and this being focused on the Creek, rather than the Pond.

Mr. Miller injected that the Pond is being worked on and expressed frustration that Mr. Rothe implied otherwise. He also stipulated repairing the pipe was not the low-cost option Mr. Rothe presented it to be.

Mr. Rothe continued, stating his belief a pipe was a valid option, requiring a backhoe to dig and install the pipe.

Mr. Miller responded that he was inclined to follow the advice Township Engineer Mr. Daley.

Matthew Kanapesky – 425 Creek Road – Spoke about the misidentification of part of his land on the Chester County views website.

Mrs. Baumann interjected to clarify if Mr. Kanapesky had a comment about Jones Pond. It was established he did not have a comment about the Pond and is not a Uwchlan Township resident. Mrs. Baumann asked Mr. Kanapesky to hold his comment until the end of the meeting.

Ruth Osborne – neighboring property to Jones Pond – Spoke about being unable to make the previous meeting about Jones Pond and gave her agreement with plans to fill in the pond. Reiterated Mr. Rothe’s point about the damaged pipe and expressed concern for the wildlife should the pond be filled in.

Mrs. Baumann agreed and stated the Township’s intent to keep the area as a natural feature that benefits the wildlife, water quality and community.

5. Resolutions:

a. Res. 2023-15 - Ramunno – 339 W. Uwchlan Ave – Request for Zoning Change

Ms. Giordano explained the applicant is requesting to rezone their property as part of plans to build a self-storage facility. The Township is seeking a resolution for permission to advertise a hearing for this applicant on August 14th.

Mr. Miller made a motion to pass a resolution for 2023-15 – Ramunno – 339 W. Uwchlan Ave – request for Zoning Change. Mrs. Obenski seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

b. Res. 2023-16 - Calvary Chapel of Chester Springs – 217, 219, 221 Dowlin Forge Rd – Request for Zoning Change

Ms. Giordano explained the applicant is looking to consolidate two residential properties and the church into one parcel, and rezone this as planned commercial in order to increase parking capacity. The Township resolution is requesting permission to advertise a hearing for this applicant on August 14th.

Public comment – Dowlin Forge Zoning Change Request:

Chris Engle - 348 Valley View Lane – Asked for clarification if the resolution approved the zoning change or gave permission to advertise.

Mrs. Baumann clarified it was passing a resolution to advertise that this applicant will have a hearing next month. It does not approve the zoning change.

Jerry Myers – 263 Dowlin Forge – Expressed concerns about stormwater for the Calvary Chapel property, with run off from the parking lot potentially affecting

his property. He also has concerns about the size of any potential structures that may be built. He asked when these may be reviewed as part of the approval process.

Mr. Freed clarified that next month's hearing will focus on the zoning change; determining the allowed use on the property. The plans will also go through the Land Development process – addressing stormwater impacts.

Mrs. Obenski made a motion to pass a resolution for 2023-16 – Calvary Chapel – 217, 219, 221 Dowlin Forge Rd – request for Zoning Change. Mr. Miller seconded. Mrs. Baumann asked for board or public comment. There being none, the motion was carried unanimously.

ANNOUNCEMENTS: *All meetings will be at the Township building unless otherwise noted*

1. Wednesdays – 9:30 am – Yoga in the Park – Baird Park
2. 07/11 – Community Day Committee Meeting – 7:00 pm
3. 07/13 – Historical Commission Meeting – 7:30 pm Cadwalader House
4. 07/20 – Environmental Advisory Council Regular Meeting – 7:00 pm
5. 07/26 – Zoning Hearing Board – 7:00 pm – 124 Wagon Trail Way – rear yard variance
6. 08/02 – Planning Commission Meeting – 7:30 pm
7. 08/07 – Board of Supervisors – Workshop Meeting – 12:00 pm
8. 08/12 – Uwchlan Township Community Day
9. 08/14 – Board of Supervisors Meeting – 7:30 pm

Public comment

Sue Macdonald – 108 Stacy Court – Spoke about the ongoing flooding in her backyard due to a neighbor's swimming pool and shed. She asserted the pool was not built to the permitted plans and that the plans have inaccuracies and omissions. The stormwater impacts from this have impacted trees and her property.

Mrs. Baumann recognized this matter is being handled by lawyers and deferred comment to the Township Solicitor Mr. Freed. Mr. Freed stated the Township was willing to cooperate and try mediate this inter-neighbor dispute.

Mrs. Macdonald disagreed that it was a neighbor dispute, asserting the Township's approval of the plans and does not meet Township Ordinances made it a party to getting this resolved. She asked for stormwater and drainage plans relating to the property.

Mr. Freed confirm Mrs. Macdonald had already made Right to Know requests to the Township and had been provided with Township documentation.

Mrs. Baumann directed further communications will need to be handled through attorneys.

Yonas Reinholdson – 451 Concord Avenue – Spoke about current ordinance that requires a 50-foot setback for structures over 120 square feet being built from the rear property line. Mr. Reinholdson described how this set back would require him to build a structure in the middle of

his yard, reducing room for his children to play. He made inquiries to the Fire Department, reporting that the setbacks helped to manage fire hazard risk but that set-backs varied. He asked the Board of Supervisors to review this ordinance for the Township as a whole.

Mrs. Baumann and Mr. Freed advised that set-backs vary a lot and while the Board can review ordinances, it may be faster for Mr. Reinholdson to apply for a variance. Mr. Reinholdson said he did not want to apply for a variance but wanted the rule changed for the entire zone. Mr. Miller added that the set-backs are in place to protect and respect people's property and that allowing structures to build right on the property line could encroach on this.

Alexa Manning – 805 Graystone Lane – Thanked the Board of Supervisors for the Environmental Local Climate Action Plan. Ms. Manning spoke about the importance of looking after our natural environment and micro-climates and raised concerns about the Eagleview Development.

Any future development, we need to strongly look at:

- Impervious pavement permeable options for any kind of the stormwater
- having a tree preservation ordinance and tree inventory.
- an open space tax or dedicated fund.
- supporting clean energy ordinances, the LCAP program, support solar, geothermal and any of these developments that are going on.
- monitoring noise levels and air pollution.

I just implore you and everybody here, we all need to be stewards of the land. Look at how we are affecting our neighbors, how we are working regionally and all of that.

Chris Engle – 348 Valley View Lane – Mr. Engle confirmed that when the Planning Commission gives a recommendation to change zoning, and it falls upon the Board of Supervisors to approve that. He asked for clarification on who can ask for zoning changes to parcels.

It was confirmed that the property owner can request a change and that Township can also make changes through its comprehensive planning. However, a property owner can object to zoning changes if they believe it will devalue their property. It was noted no changes to zoning were made in the last comprehensive plan.

Mr. Engle then asked about zoning for churches and schools.

While Churches and Schools can reside in both commercial and residential zones, they are required to comply with the conditions of the zone they are located in.

Ashley Hein – Township Resident - Raised concerns about Lionville Station Road and potential impacts this may have on the water supply for the township. One thing that you guys said tonight really stood out to me. The health of the community is dependent on the health of our water. I implore you to really let this sink in, when and if you guys are considering allowing

conditional use approval for Lionville station farm, because a heck of a lot of people rely on that water.

Jim May – Township Resident – Reiterated points made by Ms. Hein. We have huge concerns about the water. There are so many homes that are wrapped around that spring that runs through that headwater. If something should happen it is going to have a dramatic effect on all those residents, and it is going to be too late. And it is going to be difficult to protect that property from that happening. Every tractor trailer carries three to 400 gallons of fuel and 25 gallons of oil.

This is non-stop the trucking activity, the sound decibels that were mentioned earlier. 55 DBA in the neighborhood now you get the trucks rolling I think they are 85 to 100. I do not know how they are going to ever meet the ordinance that we have. And if you put 1000 trucks in there. This is really, this, this is a huge piece that is going on and we are really hoping that the supervisors in the township will really take a strong look at this because once this is over it is going to be done.

Lynn May – Township Resident - Uwchlan resident for 20 some years. I agree with my husband, and I will tell you after the storm we had recently we have got a runoff dry bed. Well yesterday you could have taken a kayak down the side of our property. And when Mrs. McDonald talked about her neighborhood about the issue with the stormwater management for a pool. I just cannot even imagine the potential issues and disastrous issues that we would face with massive warehouses going in.

Matthew Kanapesky – member of the public – Asked if the Board of Supervisors were acting in the best interest of its residents in regards to stormwater and well quality. Mr. Kanapesky felt the Board was ignoring resident concerns and not managing Jones Pond well. Mr. Kapanesky questioned the intent of the Township engineers. He asserted the Board was ignoring its own ordinances and made comments about Mrs. Baumann’s body language. Mr. Kapanesky stated Mrs. Obenski was offering solutions to environmental concerns but was being overruled by Mr. Miller and Mrs. Baumann.

Barbara Powers – member of the public – raised concerns about Lionville Station Road. I appreciate that you recognize that your neighbors will be materially impacted by any major building that might go on there. I am hopeful that your commitment to our environment remains in full force when faced with the development plans for the pristine farmland. After the rain this week, I shudder to think about the Pickering Creek, and how it was well over its banks, even today. And that is what the impervious services will do to all of us living downstream, not to mention the wall, the well water quality, which is a non-negotiable, you must preserve that. We have way of life or property values, and the environment will be destroyed. I am all for preserving that land and if I could pay taxes to help you do that. Maybe it

would be a good idea to talk to your neighboring townships, to see if they would partner with you and get some big money into preserve the land to collectively.

Ralph Powers – member of the public – Asked for clarification around deadlines for any plans for Lionville Station Road. He also asked if Audubon was still the purchaser.

Mr. Freed explained the deadlines people are talking about have to do with a contract between the purchaser and the school district. There are no deadlines on the township side, there is no applications pending with the Township. Mr. Freed confirmed Audubon was still the potential buyer.

Toby Chasser – member of the public – Spoke about potential stormwater impacts of Lionville Station Farm. I did a few calculations, and just large amounts of water are measured an acre foot, I used to be in the nursery business and we put water on by the acre foot. A quick calculation on the Lionville station road property between the 2 million square feet of building, and probably at least another million square feet of parking lots etc. comes out to about 85 acres, that would be building or paved.

Between Friday and Sunday, we had five and over almost five and a half inches of rain. And that would have been what fell on that property. So, if you take the 85 acres that would be impermeable building or parking lot. That calculation comes out the 34-acre feet of water. So that would be covering 34 acres, a foot deep of water. So that I want people to understand that that gives you a kind of a better idea of like the amount of water that normally most of that would have gone into the ground.

ADJOURNMENT

There being no other business Mrs. Obenski made a motion to adjourn at 9:25 p.m., Mr. Miller seconded and the motion was carried.

Respectfully submitted,

Julia Lyford